

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BOARD OF TRUSTEES OF THE
PLUMBERS AND PIPEFITTERS UNION
LOCAL 525 HEALTH AND WELFARE
TRUST AND PLAN; BOARD OF
TRUSTEES OF THE PLUMBERS AND
PIPEFITTERS UNION LOCAL 525
PENSION PLAN; AND BOARD OF
TRUSTEES OF THE PLUMBERS AND
PIPEFITTERS LOCAL UNION 525
APPRENTICE AND JOURNEYMAN
TRAINING TRUST FOR SOUTHERN
NEVADA,

Plaintiff,

v.

ALL SEASONS INTERIOR & EXTERIOR
MAINTENANCE, dba GREAT BASIN
PLUMBING, a Nevada corporation,

Defendants.

Case No. 2:13-cv-01607-MMD-CWH

ORDER

Before the Court is Magistrate Judge Carl. W. Hoffman, Jr.'s Report and Recommendation to enter default against Defendant All Seasons Interior and Exterior Maintenance based on its failure to appear. (Dkt. no. 22.) The Court allowed Defendant to file any objections by May 16, 2014. (*Id.*) No objections have been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to

1 which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however,
2 the court is not required to conduct “any review at all . . . of any issue that is not the
3 subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth
4 Circuit has recognized that a district court is not required to review a magistrate judge’s
5 report and recommendation where no objections have been filed. *See United States v.*
6 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
7 employed by the district court when reviewing a report and recommendation to which no
8 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
9 Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the view
10 that district courts are not required to review “any issue that is not the subject of an
11 objection”). Thus, if there is no objection to a magistrate judge’s recommendation, then
12 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
13 Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation to
14 which no objection was filed).

15 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in
16 order to determine whether to adopt the R&R. The R&R recommends entry of default
17 based on Defendant’s failure to appear even though Defendant has been given
18 numerous opportunities to do so. After granting Defendant’s counsel’s withdrawal
19 request, the Court notified Defendant that it must retain new counsel to proceed since
20 Defendant, a corporation, cannot represent itself. Defendant did not advise the Court if
21 it intended to retain substituted counsel and failed to appear at a subsequent status
22 conference and a show cause hearing. The R&R thus recommends entry of default
23 against Defendant. Upon review of the R&R and the record in this case, the Court
24 agrees with the Magistrate Judge’s recommendation.

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1 It is ordered that the R&R (dkt. no. 22) is accepted and adopted in full. Plaintiff's
2 Motion for Entry of Default (dkt. no. 23) is denied as moot. The Clerk is directed to enter
3 default against Defendant. Plaintiff is directed to submit a proposed order for default
4 judgment.

5 DATED THIS 10th day of July 2014.

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8 MIRANDA M. DU
9 UNITED STATES DISTRICT JUDGE
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